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OFFICE OF PETITIONS

In re Application of	:	
Nguyen, Mai H.	:	
Application No. 10/029,137	:	ON PETITION
Filed: December 19, 2001	:	
Attorney Docket No. 407T-301400US	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

When submitting a fee deficiency under 37 CFR 1.28, the large entity fees must be calculated by the current fee schedule. It appears that the petitioner used the old fee schedule and therefore underestimated the proper amount required for large entity. Accordingly, an additional \$85.00 has been charged to petitioner's deposit account as authorized.

Inquiries related to this communication should be directed to Paralegal Liana Chase at (703) 306-0482.

Frances Hicks  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy